

HOUSE No. 4384

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Denis E. Guyer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Providing for Recall in the Town of Colrain.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Denis E. Guyer	2nd Berkshire
Stanley C. Rosenberg	Hampshire and Franklin

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act Providing for Recall in the Town of Colrain.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Any person who holds an elected office in the Town of Colrain, with more than six months remaining
2 in the term of that office on the date of the filing of a recall affidavit may be recalled from office by the registered
3 voters of said Town of Colrain, in the manner herein provided.

4 SECTION 2. Fifty or more voters of the Town of Colrain may file with the clerk of said town, an affidavit
5 containing the name of the officer whose recall is being sought, along with a statement on the grounds of removal.
6 Said clerk of said town shall provide to the voters, petition blanks demanding such recall, printed forms of which
7 shall be kept available by said clerk. Such petition blanks may be completed either in writing or typewriting, shall be
8 addressed to the board of selectmen, shall contain the names of the voters who filed the affidavit and the grounds for
9 recall as stated in such affidavit; they shall demand the election of a successor to that office; and shall be dated and
10 signed by said clerk. A copy of such petition shall be kept on file in the office of said clerk in a record book
11 maintained for such purpose.

12 The recall petitions shall be returned and filed in the office of said clerk within fourteen days following the date
13 upon which said clerk issued such petitions; they shall contain the signatures of at least ten percent of the total
14 number of voters duly recorded on the registration list of said clerk as of the most recent preceding town election.
15 Said clerk shall, within forty-eight hours following such filing, submit said petitions to the registrars of voters who
16 shall, within five days, certify thereon the number of signatures which in fact are names of voters in said town.

17 SECTION 3. If the recall petitions shall be certified by the registrars of voters to contain the sufficient number of
18 voter signatures, the clerk of the Town of Colrain shall forthwith submit such petitions to the board of selectmen.
19 Upon its receipt of the certified petitions, said board of selectmen shall, within forty-eight hours, give written notice
20 of said recall petitions and the certification thereof to the person whose recall is being sought.

21 If the officer sought to be recalled does not resign his office within five days following the following the delivery of
22 said notice, the board of selectmen shall order an election to be held not less than sixty-five nor more than ninety
23 days after the date of said certification, said board of selectmen may, at their discretion, postpone the holding of said
24 recall election until the date of such other town election.

25 If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as
26 provided in this section; provided, however that only the ballots for new candidates shall be counted.

27 SECTION 4. No officer whose recall is sought may be a candidate to succeed himself at the recall election. The
28 nomination of candidates, the publication of the warrant for the recall election and the conduct of said election shall
29 be in accordance with the provisions of law relative to elections, unless otherwise provided in this act.

30 SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election is held. If not
31 recalled in such election, the incumbent shall continue in office for the remainder of his unexpired term, subject to
32 recall as before, except as provided within.

33 If the incumbent officer is recalled he shall be deemed removed upon the qualification of a successor who shall hold
34 office for the remainder of the unexpired term; provided, however, that if the successor fails to qualify within five

35 days after receiving notification of election, the incumbent nevertheless shall thereupon be deemed removed and
36 such office shall remain vacant for the remainder of the unexpired term.

37 SECTION 6. All ballots used at a recall election shall contain the following propositions in the order indicated:

38 FOR THE RECALL OF (NAME OF OFFICER)

39 AGAINST THE RECALL OF (NAME OF OFFICER)

40 Adjacent to each proposition, there shall be a place to mark a vote.

41 After the proposition shall appear the word "CANDIDATES" followed by the names of all candidates arranged
42 alphabetically by surname.

43 If a majority of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest
44 number of votes shall be declared elected.

45 If a majority of the votes cast upon the question of recall are in the affirmative, the candidates need not be counted
46 unless the incumbent officer has previously resigned from office pursuant to section three.

47 SECTION 7. No recall petition shall be filed against an officer within six months of the assumption of his office. In
48 the case of an officer who has been subjected to a recall election and was not recalled thereby, no subsequent recall
49 petition shall be filed against such officer until at least six months after the date of the election at which such initial
50 recall was voted upon.

51 SECTION 8. No person who has been recalled from an office or who has resigned from an office while recall
52 proceedings were pending, shall be appointed to any town office within twelve months after such recall or
53 resignation.

54 SECTION 9. This act shall take effect upon its passage.

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